KI-HC-22

(19)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
		M.A. (C) No. 445 of 2007
	Appellants (Non-applicant No.3) :	United India Insurance Company Limited, Through : Branch Manager, United India Insurance Company Limited, T.P. Nagar, Korba, Chhattisgarh.
		Versus
	Respondents (Applicant No.1) :	1. Ram Das, S/o Sivcharna Das, aged about 30 years,
	(Applicant No.2)	2. Smt. Indri Bai, W/o Ram Das, aged about 28 years,
	(Applicant No. 3)	3. Tribhuvan Das, S/o Ram Das, aged about 10 years,
	(Applicant No. 4)	4. Ku. Sahodri, D/o Ram Das, aged about 8 years,
	(Applicant No. 5)	5. Ku. Savitri, D/o Ram Das, aged about 3 years,
		Respondents No. 3,4, & 5 are minors, through their natural guardian – Father (Ram Das, respondent No.1)
		All are by Caste-Manikpuri, R/o Puta, P.O.-Morga, Block-Podi Uproda, Tahsil-Katghora, District-Korba, Chhattisgarh.
	(Non-applicant No.1)	6. Ashok Kumar Pali, S/o Shri Bhagwan Singh Pali, R/o Chatidih, Bilaspur, Chhattisgarh. (Driver)

XI-HC-22

(20)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

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	(Non applicant No. 2)	7. Doctor Dilip Kumar Das, S/o Shri Natwar Das, R/o Seepat Road, Apollo Hospital, Bilaspur, Chhattisgarh. (Owner)
	(Non applicant No.4)	8. Smt. Sonkunwar, W/o Late Sivcharan Das, aged about 50 years,
	(Non applicant No. 5)	9. Savan Das, S/o Sonsai, aged about 36 years,
	(Non applicant No. 6)	10. Sukharjiya, S/o Late Sivcharan Das, aged about 32 years,
		All the respondents No. 8 to 10 are R/o Puta, P.O. – Morga, Block – Podi Uproda, Tahsil – Katghora, District – Korba, Chhattisgarh.
	Present: Shri Dashrath Gupta, counsel for the appellant.	
	13.4.2007	
	Heard on admission.	
	This is the insurer's appeal against the award dated 5.12.2006 passed in Claim Case No. 76/05 whereby learned Motor Accident Claims Tribunal, Korba has allowed the application of the claimants under Section	

(21)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक MAC 445/07 सन् 200

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आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

140 of the Motor Vehicle Act and awarded interim compensation of Rs.50,000/- to the claimants.

Learned counsel for the appellant submits that driver of the vehicle causing accident did not have valid driving licence as per report submitted by the inspector of the Insurance Company and this fact was brought to the notice of learned Tribunal even then the appellant/Insurance Company has been saddled with the liability of payment of interim compensation.

The objection raised by the appellant regarding driver of the vehicle causing accident not having valid driving licence at the time of accident, is to be established during trial by the appellant and at the stage of deciding application under Section 140 of the Motor Vehicle Act, the Tribunal cannot absolve the Insurance Company from the liability of payment of interim compensation. We do not find any illegality or infirmity in the order impugned, which calls for interference by this Court.

In the result, the appeal being devoid of substance is liable to be dismissed at the admission stage itself and is accordingly dismissed.

Sd/-
G.Minhajjudin
Judge

(पीछे देखिये)